

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SAINT JOSEPH DIVISION

JACOB INGERSOLL, RICHARD A. TRUITT,
JOSHUA TIEDEMANN, ANTHONY ARZOLA,
and CONSUELO ARZOLA, on behalf of
themselves and others similarly situated,

Civil No.: 5:10-cv-06046-REL

Plaintiffs and Proposed Collective
and Class Action Representatives,

v.

FARMLAND FOODS, INC.,

**AFFIDAVIT OF TROY F. TATTING IN
SUPPORT OF PLAINTIFFS'
SUGGESTIONS IN SUPPORT OF
MOTION TO COMPEL DISCOVERY
CONCERNING PLAINTIFFS' FIRST
SET OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS**

Defendant.

STATE OF MINNESOTA)
)
) ss.
COUNTY OF RAMSEY)

1. Troy F. Tatting, having been first duly sworn upon oath, states and alleges as follows:
2. I am an attorney with the law firm of Larson • King, LLP, and am one of the attorneys representing the Plaintiffs in this matter.
3. This Affidavit is submitted in support of Plaintiffs' Suggestions in Support of Motion to Compel Discovery Concerning Plaintiffs' First Set of Requests for the Production of Documents.
4. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs' First Set of Requests for Production of Documents to Defendant.
5. Attached hereto as Exhibit B is a true and correct copy of Defendant Farmland Foods, Inc.'s Responses and Objections to Plaintiffs' First Requests for Production of Documents.
6. Attached hereto as Exhibit C is a true and correct copy of Kelly A. Swanson letter to Defense Counsel, dated October 29, 2010.

7. Attached hereto as Exhibit D is a true and correct copy of documents produced by Defendant Farmland Foods, Inc., bates labeled FF 00641-698, 00921, 001437-1449, 02636.

8. Attached hereto as Exhibit E is a true and correct copy of the U.S. Department of Labor's Poultry Processing Compliance Survey Fact Sheet, dated February 18, 1998.

9. Attached hereto as Exhibit F is a true and correct copy of a U.S. Department of Labor's slide show concerning the Wage and Hour Division's investigation of the poultry processing industry, dated January 2001.

10. Attached hereto as Exhibit G is a true and correct copy of the U.S. Department of Labor's Poultry Processing Compliance Survey Fact Sheet, dated January 2001.

11. Attached hereto as Exhibit H is a true and correct copy of U.S. Department of Labor, Opinion Letter, 2001 WL 58864 (January 15, 2001).

12. Attached hereto as Exhibit I is a true and correct copy of U.S. Department of Labor, Wage and Hour Advisory Memorandum No. 2006-2 (May 31, 2006).

13. Attached hereto as Exhibit J is a true and correct copy of Defendant's privilege log.

14. Attached hereto as Exhibit K are true and correct copies of the following unpublished cases:

Helmert v. Butterball, LLC, 4:08cv342-JLH, 2008 WL 5272959 (E.D. Ark. Dec. 15, 2008);

Helmert v. Butterball, LLC, 4:08cv342-JLH, 2010 WL 779321 (E.D. Ark. May 5, 2010);

Order, *Frank v. Gold'n Plump Poultry, Inc.*, Case No. 04-1018 (D. Minn. April 24, 2006);

Frank v. Gold'n Plump Poultry, Inc., No. 04-1018, 2007 WL 2780504 (D. Minn. Sept. 24, 2007);

Busler v. Energysys Energy Prods., Inc., Case No. 09-00159-CV, 2009 WL 2998970 (Sept. 16, 2009);

Helmert v. Butterball, LLC, 4:08cv342-JLH, 2009 WL 5066759 (E.D. Ark. Dec. 15, 2009);

Long v. Landvest Corp., Civ.A. 04-2025, 2006 WL 897612 (D. Kan. Mar. 31, 2006);

Morales v. Farmland Foods, Inc., No. 8:08cv00504, 2009 WL 2886278 (D. Neb. July 21, 2009);

Glenz v. Sharp Elec. Corp., No. 08-3652, 2010 WL 2758729 (D.N.J. July 10, 2010);
Major Tours, Inc. v. Colorel, Civ. No. 05-3091, 2009 WL 2413631 (D.N.J. Aug. 4, 2009).

FURTHER AFFIANT SAYETH NOT.

/s/ Troy F. Tatting
Troy F. Tatting MN #354156
ttatting@larsonking.com

Subscribed to and sworn before me this
31st day of January, 2011.

/s/ Gaosheng M. Yang
Notary Public

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